



Lamoine Board of Selectmen

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Minutes – February 11, 2016

Chairman Gary McFarland called the meeting to order at 7:03 PM.

Present were: Selectmen Bernie Johnson, Nathan Mason, Gary McFarland, S. Josephine Cooper (Selectman Heather Fowler had informed the board prior to the meeting that she was unable to attend); Administrative Assistant Stu Marckoon, Assistant CEO Rick Gallegos, CEO Millard Billings, Planning Board chair John Holt, Selectman candidate Kathleen Rybarz, Selectman candidate Bob Christie, Comprehensive Planning Committee member Kathie Gaianguet, School Committee chair Brett Jones, Bruce Gillett and Catherine deTuede.

Agenda – There were no changes proposed to the printed agenda or addendum.

Minutes – January 28, 2016 – Jo moved to approve the minutes as written. Nathan 2nd.
Vote in favor was 4-0.

Expenditure Warrant 18 – Selectmen signed the warrant in the amount of \$96,966.12. Stu noted the school payroll and snow plowing bill were the largest expenditure items. Selectmen also noted the \$1.97 mouse trap purchase, which Stu reported has been successful, especially when using peanut butter cups as bait.

Cash & Budget Report – Jo noted that road maintenance expenditures are right in line with the percentage of the year passed. Stu said snow plowing is the biggest component of that budget line.

Checking Account Reconciliation – Selectmen signed the form expressing satisfaction with review of the checking account reconciliation which had been sent via e-mail prior to the meeting.

Heating Fuel Bid – Stu reported Hancock and Sullivan are joining Lamoine again, as are the Hancock and Lamoine schools. He said he was waiting for data from the Superintendent of Schools for that component of the bid, and noted that the price of oil fell again earlier in the day.

Foreclosed Property – Stu reported the former owner of the property received the certified letter from the Board of Selectmen offering it back for sale, but he has not heard from the gentleman. He said the letter gave the former owner one more week to respond.

Lawsuit – MacQuinn et al v. Town of Lamoine – Stu reported town attorney Daniel Pileggi has accepted service of the revived suit from several gravel operation owners contesting the 2013 Gravel Ordinance. He said the board might wish to consult with Mr. Pileggi at some point in the future, but as of now there was no action being requested.

Public Hearing Date – Donation Review Ordinance Amendment – Selectmen signed an order setting February 25, 2016 at 7PM as the public hearing on the upcoming referendum vote on amending the Donation Review Ordinance.

Floodplain Ordinance – Planning Board chair John Holt said they could hold a hearing at 6:30 PM on the 25th, but he has a feeling people want to have a chance to study the maps first, and that will take a fair amount of research by the Planning Board. He said he raised the possibility of waiting until June, as the town has until July to pass the ordinance. He said there is a fair amount of information to digest. He said people with shorefront property are curious, and there may be a lot of questions. Rev. Holt said Appeals Board member Michael Jordan was also suggesting that the elevation requirement be made more stringent. He said he hoped that the town could defer action for a few months.

Gary asked if Rev. Holt felt the Planning Board and the town would be better informed with a delay. Rev. Holt said yes, he would be more comfortable by waiting and studying. There was no objection by the Selectmen to removing this item from the warrant and voting on it at a later date.

Citizen of the Year Plaque – Selectmen reviewed the proposed art work for the plaque and deemed it to be satisfactory.

Town Meeting Warrant – Selectmen signed six copies of the town meeting warrant for March 8 & 9, 2016.

Town Report – Stu said the report is bigger than last year's version, and noted that a mission statement came from the school, but it caused problems with the formatting in its current format. Brett suggested it be cut and pasted as a .pdf file and Stu said he could do that. Jo said she would like a chance to read it over. Stu said he'd like to get it to the printer next week.

Appeals Board Follow Up – Gary said he asked the Code Enforcement Officer to attend the meeting to clarify what had happened with a home that was placed too close to the road on Douglas Hwy. Jo said it's good for the board to be aware of this, but wondered whether it had anything to do with the Selectmen. She said she believed the town had a good permitting process in place. Gary said he wasn't sure what could be done to make it better. Jo said sometimes people make mistakes.

CEO Millard Billings says he issues permits based on the application that is submitted. He said the permit holder is supposed to call for inspections, including the setback, septic and internal plumbing as well as a final inspection. He said he relies on the contractor to call him when it's ready to inspect. He said the contractor is held up until he can get there.

Stu said the purpose of tonight was to explore what the next step should be. Mr. Billings said the bank required a survey before they would finance the purchase, and the bank's surveyor picked up that the building was too close to the road. He said the building

owner contacted him requesting a variance, and he helped the owner to apply, and also issued a notice of violation telling the owner to either obtain a variance or to move the building. He said the Board of Appeals denied the variance, and the town has received a communication from the current owner asking for a “no action letter”. He said that comes back to the Board of Selectmen eventually. Mr. Billings said he was not as concerned about the process as he was on how to proceed in this case. Gary said the Selectmen don’t have the right to overrule the Board of Appeals. Bernie said there could be a consent agreement. Gary said the property owner did not meet the criteria for a variance.

Stu said the town has reached the point to settle out the violation through one means or another. Mr. Billings said there are consequences to a “no action letter”, depending who it comes from. He said it would be better for the property owner to have the Selectmen sign such a letter, but a consent agreement might be better. He asked if the Selectmen wished to consult the town attorney.

Jo said the building is obviously too close to the road, but asked whether safety is the determining factor. Mr. Billings said the property owner has been measuring other houses in the neighborhood for setbacks. Nathan asked how close it was. Stu said he believes 13-feet.

Rev. Holt said the Notice of Violation ordered the property owner to get a variance or move the building. He asked what the consequences were if it were not moved. Mr. Billings said he believes that is what the request for a no-action letter was about. He said it would be better to consult with the town attorney. A brief discussion followed on how much it would cost to move the foundation and whether the septic system is in the way.

Nathan moved to consult with the town attorney on this matter. Jo 2nd. **Vote in favor was 4-0.**

Following the vote, Jo asked if there was any issue with the permitting process. Gary said he didn’t believe there was an issue. Stu asked if it was OK to contact the property owner to let him know the Board was referring the matter to an attorney. Rev. Holt asked if the property owner has made any sort of request. Stu said the “no action letter” was the request. A brief discussion followed on past practices in similar town circumstances. Nathan asked Mr. Billings if he intended to issue a stop work order. Mr. Billings said he did.

Dispatching Contract – Nathan moved to sign a dispatching contract with the Hancock County Regional Communications Center. Bernie 2nd. **Vote in favor was 4-0; Gary signed the contract.**

Municipal Solid Waste – Stu reported that Ken Smith was working on an analysis of the MRC offer. Kathie Gaianguet asked if there would be any PERC meeting was planned. Stu said PERC held some of meeting about a week ago. She asked for public notification of PERC meetings. Mr. Billings noted that PERC is a private corporation

while the MRC was formed to watch PERC's operations. Stu reported that the Town of Hermon had a legal review done that was about 18-pages long, and he attempted to boil down the opinion to a page.

Bob Christie asked if PERC is a reasonable alternative to the proposed MRC facility. Mr. Billings noted that PERC is a for profit entity, while the MRC is a group of towns looking out for the best interest of towns. The situation was discussed without resolution.

Submerged Vessel – Stu reported that the Harbor Master's son had a lobster trap get hung up on something that turned out to be a sunken ship in the harbor. He said Harbor Master David Herrick contacted Ed Monat, a diver from Bar Harbor who determined the ship was a relatively recent derelict, and the plan was to let the Marine Patrol and Coast Guard handle it.

Property Next to School – Gary reported the Superintendent of Schools was not successful in reach an agreement to buy a lot of land next to the school property. Nathan said it might come back in the future. Bernie asked if maybe the offer was a little low.

Resignation – Recreation Committee – Bernie moved to reluctantly accept the resignation of Becky Mason from the Recreation Committee with regret. Gary reluctantly 2nd the motion. Nathan said his wife had done her time on the committee. **Vote in favor was 4-0.**

Spirit of America Award – There was a brief discussion about how this award could be used to promote volunteerism. Selectmen said they wanted to read over the literature and think more about it.

Dog Bite Incident – Gary said the Selectmen each received a letter expressing unhappiness with how the Animal Control Officer responded to the owner of a dog that bit someone. After a brief discussion Selectmen asked Stu to contact the ACO to meet with them and to let the complainant know that the board had received the complaint and is investigating.

Other Matters – Kathie Gaianguet said the Comprehensive Planning Committee is holding a community meeting on March 19, 2016 from 9am to Noon at the school and encouraging people to be there. She briefly gave the meeting format and said they will work to provide child care and refreshments.

Next Meetings – Gary said the next meeting is February 25, 2016 followed by the Annual Town Meeting.

There being no further business, the meeting adjourned at 8:05 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen